

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OCCIDENTAL HOTELS MANAGEMENT
B.V., OPERADORA INTERCONTINENTAL
DE RESORTS & HOTELES, S.A., ALLEGRO
PALM BEACH N.V., and HOTEL
PLAYACAR, S.A. de C.V.,

Plaintiffs,

vs.

WESTBROOK ALLEGRO L.L.C., individually
and as participation agent,

Defendant.

WESTBROOK ALLEGRO L.L.C.,

Counterclaimant,

vs.

OCCIDENTAL HOTELS MANAGEMENT
B.V.,

Counterclaim-Defendant.

ECF CASE

CASE NO. 05-CV-9547 (LMM) (THK)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon all of the papers herein, Plaintiffs, OCCIDENTAL HOTELS MANAGEMENT B.V., OPERADORA INTERCONTINENTAL DE RESORTS & HOTELES, S.A., ALLEGRO PALM BEACH N.V., and HOTEL PLAYACAR, S.A. de C.V. (“Plaintiffs”), shall move this Court, before the Honorable Theodore H. Katz, at the United States Courthouse located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, to: (i) disqualify Jones Day as counsel for Defendant, WESTBROOK ALLEGRO L.L.C. (“Defendant”), based on Jones Day’s conflict of interest resulting from Jones Day partner Kent Richey’s prior representation of certain Plaintiffs¹ and their affiliates in related matters and based on the fact that Mr. Richey will be a key witness in this case; and (ii) enjoin Mr. Richey and Jones Day from disclosing to Defendant, or any other person, any privileged or

¹ Mr. Richey’s prior representation involved all Plaintiffs with the exception of Occidental Hotels Management B.V.

confidential information obtained during the course of Mr. Richey's prior representation. The basis for this motion is set forth in the accompanying memorandum of law.

PLEASE TAKE FURTHER NOTICE THAT any answering memorandum shall be served within ten (10) business days after service of these papers.

Plaintiffs request oral argument on this motion.

Dated: New York, New York
March 9, 2006

SALISBURY & RYAN LLP

By: 

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